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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
EUGENE DIVISION

WYATT B., *et al.*,

Plaintiffs,

v.

TINA KOTEK, *et al.*,

Defendants.

Case No. 6:19-cv-00556

PLAINTIFFS' OBJECTIONS TO  
DEFENDANTS' WITNESS  
STATEMENTS

Pursuant to the Court's April 19, 2024 Minute Order (ECF 382) adopting the Stipulated Amended Case Schedule (ECF 377), Plaintiffs hereby object to the following witness statements for trial.

**I. GENERAL OBJECTIONS**

**A. Plaintiffs Reserve the Right to Raise Objections in Court, Based on Individual Questions and Answers**

Plaintiffs cannot, in every instance, determine the nature, circumstances, and basis for testimony. Generally, Plaintiffs reserve the right to object at trial on the basis of any permissible grounds for objection. Plaintiffs cannot determine from the brief descriptors, for example, whether the witness has personal knowledge of the matter discussed, or whether the witness would seek to present an expert opinion rather than a lay opinion.

**B. Plaintiffs Reserve the Right to Object to and Move to Strike Testimony from Witnesses Who Previously Expressed Inability to Answer at Deposition**

Plaintiffs would also note that, as presented, the witness statements indicate that some witnesses, who repeatedly stated at a deposition that they were unable to speak in generalities about conditions or circumstances within the foster care system, now appear prepared to testify in generalities about that same system at trial. Plaintiffs reserve the right to move to strike testimony from witnesses, where the witness had previously expressed an inability to testify on that topic in deposition, including where the witness had expressed an inability to speak in the abstract.

**C. Plaintiffs Reserve the Right to Supplement Their Trial Exhibits with Appropriate Documents to Impeach Witnesses**

Defendants have introduced a 265-page summary of witness statements, broaching a wide variety of topics and introducing dozens of fact witnesses. Many of the issues raised by Defendants in their proposed witness statements can be impeached with relevant documents. Plaintiffs will appropriately supplement their trial exhibits with exhibits.

**II. SPECIFIC OBJECTIONS**

<b>WITNESS: LACEY ANDRESEN</b>	
<b>Page</b>	<b>Objections</b>
20, intends to testify about what the court appointed special master in the “AR” case said	Hearsay
24-25 intends to testify about how plaintiffs’ desired relief of imposing a rigid set of metrics, along with a court-appointed monitor, will stymie “the real progress” Child Welfare has made.	speculation, lack of personal knowledge, expert opinion as to effects of relief

<b>WITNESS: LISA BENDER</b>	
<b>Page</b>	<b>Objections</b>
52 - “court monitor is not necessary”	expert opinion, legal conclusion

<b>WITNESS: RACHEL CURRANS-HENRY</b>	
<b>Page</b>	<b>Objections</b>
58-61 – repeatedly attempts to testify about what Governor Kotek thinks	personal knowledge, hearsay, speculation
63 – cannot testify to what Governor Kotek "will do" in the future	speculation, lack of personal knowledge

<b>WITNESS: APRILLE FLINT-GERNER</b>	
<b>Page</b>	<b>Objections</b>
72-74 – regarding effects on “Vision for Transformation”	Unnoticed expert testimony about the likely effects of Vision for Transformation, general testimony about implementation science.
83 – testimony about what the division of Child Welfare “will continue” to do	Relevance, speculation, lack of personal knowledge
89-93 impact of injunction, “rigid inflexible metrics,” testimony about what has happened in other states, etc.	Relevance, expert opinion, speculation, lack of personal knowledge

<b>WITNESS: DR. AJIT JETMALANI</b>	
<b>Page</b>	<b>Objections</b>
123-124 – testimony regarding Child Welfare challenges brought on by years of decline in medical services and Legislature’s failure to adequately fund and support the operations of Child Welfare	Lack of personal knowledge; speculation
128-129– External barriers to the work of Child Welfare	Expert witness testimony
129 Testimony relating to “deliberate indifference”	Expert witness testimony, ultimate question/legal conclusion
<b>WITNESS: TAMI J. KANE- SULEIMAN</b>	
<b>Page</b>	<b>Objections</b>
143 – finds no direct correlation between child fatalities and overdue CPS assessment	Expert opinion

<b>WITNESS: FARIBORZ PAKSERESHT</b>	
<b>Page</b>	<b>Objections</b>
215-216 continued expert opinion on remedial measures in litigation	Expert opinion

<b>WITNESS: ANNA WILLIAMS</b>	
<b>Page</b>	<b>Objections</b>
Page 259 – discussion of the effects of SB 710	Lack of personal knowledge, speculation
Page 259-260 – impact of Oregon’s Medicaid funding structure	Lack of personal knowledge, speculation

<b>EXPERT WITNESS: UMA AHLUWALIA</b>	
<b>Page</b>	<b>Objections</b>
N/A	The objections that are outlined in Plaintiffs’ Motion to Exclude, ECF 362

<b>EXPERT WITNESS: JIM DIMAS</b>	
<b>Page</b>	<b>Objections</b>
N/A	The objections that are outlined in Plaintiffs' Motion to Exclude, ECF 362

<b>EXPERT WITNESS: DR. BOWEN McBEATH</b>	
<b>Page</b>	<b>Objections</b>
N/A	Reserving objections on a to-be-filed Motion to Exclude

<b>EXPERT WITNESS: STACEY MOSS</b>	
<b>Page</b>	<b>Objections</b>
N/A	The objections that are contained in Plaintiffs' Motion to Exclude, ECF 360

<b>WITNESS: DR. SARAH VINSON</b>	
<b>Page</b>	<b>Objections</b>
N/A	Reserving objections on a to-be-filed Motion to Exclude

<b>WITNESS: DR. CYNTHIA RICHTER-JONES</b>	
<b>Page</b>	<b>Objections</b>
N/A	Reserving objections on a to-be-filed Motion to Exclude

DATED this 25th day of April, 2024.

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